

Produced by American Policy Center

Email: [admin@americanpolicy.org](mailto:admin@americanpolicy.org)<<mailto:admin@americanpolicy.org>> Website: [americanpolicy.org](http://americanpolicy.us1.list-manage2.com/track/click?u=3af5d41d21ad9fce53c86ba9d&id=ad0b92201b&e=af435d0bc7)<<http://americanpolicy.us1.list-manage2.com/track/click?u=3af5d41d21ad9fce53c86ba9d&id=ad0b92201b&e=af435d0bc7>>

Tom DeWeese, President

Kathleen Marquardt, Editor

Paul St.Jean, Associate Editor

"Precedent"

The key word in opposing a Con Con

By Tom DeWeese:

The call for a new Constitutional Convention (Con Con), particularly from Conservative circles, is starting to grow at an alarming rate. Several Conservative organizations, particularly the American Legislative Exchange Council (ALEC) and the Goldwater Institute (among others) are telling Conservative state legislators that they can call for a Con Con and control the subject and the outcome of such an event.

That is simply not true. The reason: "Precedent." There has been only one Con Con in U.S. history. That was in 1787. Delegates to this gathering (not originally planned as a Con Con) were given specific instructions by their states and a very strongly worded resolution by Congress limiting the meeting to the "sole and express purpose of revising the Articles of Confederation." Those instructions were completely ignored. As soon as the delegates arrived in Philadelphia, the doors were closed and the meeting was kept secret until finally they opened the doors to announce a complete new Constitution. That is a Precedent!

Second, the Articles of Confederation specifically called for 100% support from the states before any changes could be made to it. Obviously a new Constitution qualifies as a change! But ratification of the new Constitution operated under the yet un-ratified Article V of the new Constitution, which called for a vote of approval of just three fourths of the states. That is a Precedent!

Further, there is nothing in Article V to give instructions on how to organize a Con Con after the required number of states call for it and Congress agrees to comply. There is nothing to tell us who the delegates should be, where they should come from, what their qualifications should be, or what rules they need to follow. The fact is, once Congress calls for the Con Con, and the delegates are chosen, that Con Con body becomes the most powerful force in the nation. Congress has no control over what they do, or how they do it. And the Precedents say they can do anything, including writing a new Constitution -- and that new Constitution can be voted into power anyway the delegates decide.

Those pushing for a new Constitutional Convention are misguided if they think they can dictate what is to be debated. Many proponents of the Con Con are telling legislators in the many states that there is no danger of bad things happening because the states must ratify what they do. The Precedent says otherwise. It says the delegates can decide how a new constitution is ratified. Moreover, may I point out that just last year, 75% of the American people opposed Obamacare, but Congress passed it anyway. Do we really want to put our precious Constitution on an operating table so those who think like Obama, Reid, and

Pelosi can operate on it to their own satisfaction? That is exactly what we are doing if we allow a Con Con to be called.

For a more detailed explanation of these points I am attaching a link<<http://americanpolicy.us1.list-manage1.com/track/click?u=3af5d41d21ad9fce53c86ba9d&id=75666a53d1&e=af435d0bc7>> to a detailed research paper concerning the danger of calling a Con Con, written by Constitutional expert, Chuck Michaelis, with the Ohio-based Instituted for Principled Policy. Together, Chuck and I have succeeded in stopping two calls in the Ohio Legislature for a Constitutional Convention.

We were lucky in 1787. Our young nation had some incredible leaders who, while breaking the rules, gave us a great governing document. However, in today's political atmosphere, where the prevailing attitude by government leaders is that the Constitution stands in their way of enforcing massive government control over our lives and our fortunes, do we really want to gamble that a Con Con will improve things rather than destroy the greatest governing document in history? I fully believe the timing is all wrong for such a possibility and, for these reasons, will do everything I can to stop all calls in every state for a Con Con.

For a more detailed explanation concerning the danger of calling a Con Con click here<<http://americanpolicy.us1.list-manage.com/track/click?u=3af5d41d21ad9fce53c86ba9d&id=c2fc759ced&e=af435d0bc7>>